

amendments in this request for reconsideration. The deadline for filing this response has been extended by the petition for a three month extension of time and payment of fee included with the original response filed on April 11, 2001.

Please enter the following amendments in the claims:

#### IN THE CLAIMS

Please amend claim 4 as follows:

D1 4. **(Twice Amended)** A method of predicting increased risk of sight-threatening diabetic retinopathy, comprising identifying in isolated genomic DNA from a sample previously taken from a diabetic patient a genetic polymorphism pattern comprising a polymorphism selected from the group consisting of: IL-1RN (VNTR) allele 1, IL-1 A (-889) allele 2, and IL-1B (-511) allele 2, wherein the presence of the genetic polymorphism pattern is predictive of an increased risk of sight-threatening diabetic retinopathy.

#### REMARKS

The above amendment enters no new matter. Support for the amendment to claim 4 can be found throughout the application, for example, at pages 26-27 and at page 15.

#### CONCLUSION

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the pending rejections. If for any reason a telephonic conference with the Applicant would be helpful in expediting prosecution of the instant application, the Examiner is invited to call Applicants' Agent at (617) 832-1764. Applicants believe that the claims are now in condition for allowance and early notification to this effect is earnestly solicited.

claims can be found throughout the application as filed. This preliminary amendment does not enter new matter. The above amendments have been made, not in acquiescence to the pending rejections, but in order to expedite prosecution of the instant application. Applicants believe the new claims effectively obviate the pending rejections and, accordingly, reconsideration and withdrawal of the pending rejections (as applied to the added new claims) is respectfully requested. Applicants further respectfully note that they expressly reserve the right to pursue without prejudice the originally filed claims as well as other disclosed subject matter at a latter date.

### CONCLUSION


For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the pending rejections. Applicants believe that the claims now pending are in condition for allowance, and early notification of such is respectfully requested. If for any reason a telephonic conference with the Applicant would be helpful in expediting prosecution of the instant application, the Examiner is invited to call Applicants' Attorney at (617) 832-1000.

If there are any other fees due in connection with the filing of this response not accounted for please charge the fees to our **Deposit Account No. 06-1448**. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,  
FOLEY, HOAG, & ELIOT LLP

Dated: August 28, 2002

Patent Group  
Foley Hoag LLP  
155 Seaport Boulevard  
Boston, MA 02210-2600  
Telephone: (617) 832-1000  
Facsimile: (617) 832-7000

  
James T. Olesen, Ph.D.  
Reg. No. 46,967  
Attorney for Applicants